

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Rejections of Claims 22 - 39 under 35 U.S.C. §112, Second Paragraph

In the final Office Action dated November 28, 2006, new rejections of Claims 22 - 39 under 35 U.S.C. §112, second paragraph, were made for lack of antecedent basis for the term "said advertisement" web object set, which appears in independent claims 22, 28, and 34.

Advertisement web objects were disclosed, and were consistently argued as being as examples of "non-essential" web objects, with the function of the invention being to block transmission of such advertisements during periods of client low battery conditions.

The amendment filed on September 13, 2006, inadvertently inserted the term "advertisement" instead of "non-essential". However, Appellants' arguments were correctly stated, in which advertisements were described as an example of non-essential web objects. Examiner's subsequent reply appeared to understand the intention of the amendment to the claims, while also noting the consistency issue in the new rejections under §112, second paragraph.

To place these claims in a clearer light for consideration on Appeal, Appellants submit herewith an amendment which deletes separate language to essential and non-essential (or advertisement) web object sets in this step of the claims, sufficing with "all said web objects". In other words, if the battery is not low, no web objects are blocked from transmission. Addition of "said" before "web objects" serves to clearly refer the reader back to the two or more sets of web objects in the "providing" step.

Appellants respectfully request entry of the amendment in order to allow the Appeal to focus on the other issues of merit.

Respectfully Submitted,

/ Robert Frantz /

Robert H. Frantz, Reg. No. 42,553
Agent for Applicants
Tel: (405) 812-5613
Franklin Gray Patents, LLC